

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 12, 18 and 29 have been amended. Claims 1-34 remain pending.

The Examiner stated that the Information Disclosure Statement filed on December 1, 2000 fails to comply with the rules "because the 1448 Form is not provided". Applicants assume the Examiner is referring to a Form 1449. In any event, this IDS was submitted to the Examiner as a courtesy, informing the Examiner of the copending, commonly owned application cited in the IDS and attached with that filing. Since the copending application is not a printed publication, would not be printed on any published patent that may result from the present application, and is merely information to be considered by the Examiner, it is submitted that no 1449 Form listing this copending application is required.

Claims 1, 2, 5, 9-13, 15, 18, 19, 22, 26-29, 31 and 34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Burg. This rejection is respectfully traversed. The independent claims have been amended to define the invention more clearly by reciting that the personalized message is of the called party for playback to the calling party as the message prompt.

The claims relate to playing a personalized message of a called party to a calling party. A subscriber or called party can prerecord a personalized message for the calling party based on the calling party's number information (e.g., entire phone number, or area code, etc.) Thus, calling party number information that specifies the calling party is received. Stored calling party number information is accessed from an Internet Protocol (IP) based database server configured for storing calling party number information. The received calling party number information is compared to the stored calling party number information to determine if there is a match between the received calling party number information and the stored calling party number information. Based on a determined match, a personalized voice message corresponding to the matched, stored

calling party number information, is retrieved for playback as the messaging prompt to the calling party.

Burg discloses a system for processing a telephone call to an on-line subscriber when the subscriber's telephone line is busy due to being on-line. The incoming call is forwarded to a server and information about the call is stored in a call-back list server. The system sends a message to the subscriber and the subscriber can review the call-back list and return calls or listen to messages while remaining on-line. This has nothing to do with providing a messaging prompt (e.g., greeting of called party) to a calling party based on the calling party's identity.

It appears that the Examiner is considering the subscriber in Burg to be the calling party as defined in the claims. If this is the case, in view of the amended claims, Applicants request that the Examiner identify the called party in Burg, who creates the personalized voice message, in his next communication.

In Burg, when in a response to a subscriber's incoming call to connect to the Internet, a record of subscriber information is made and if the subscriber enters the correct name and password, the subscriber is permitted to access the Internet. Once on the Internet, the subscriber can access his or her voice mail (messages). The Examiner cites column 10, line 8 to column 2, line 53 as teaching "retrieving a personalized voice message corresponding to the matched, stored calling party number information, for playback as the messaging prompt".

Burg does not teach or suggest retrieving a personalized voice message of a called party corresponding to a matched, stored calling party number information, for playback to the calling party as the messaging prompt as defined in the claims. As an example of implementation of such features, as indicated in the present specification, if a called party's friend (calling party) is expected to call from calling number 408-555-555, the called party can correspond this number to a message such as, "Hello Joe, I just left. Meet me at the golf course". Since the message is a prompt, Joe (calling party) could leave a message such as, "I will be there in 20 minutes."

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In Burg, the subscriber can merely retrieve his or her messages from calling parties while on-line. A retrieved message is not a personalized voice message of a called party for playback as a messaging prompt to a calling party. The retrieved message is merely a voice mail message left by a calling party. There is no way the subscriber in Burg can leave a message in response to the retrieved voice mail message since the voice mail message is not a prompt. Accordingly, the rejection should be withdrawn.

Claims 3, 4, 6-8, 14, 16, 17, 20, 21, 23-25, 30, 32 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burg in view of Wolfe et al. This 103 rejection relies on Wolfe et al. as a reference. However, in view of the statement under § 103(c) below, Wolfe et al. is excluded as applicable prior art. Therefore, the rejection should be withdrawn.

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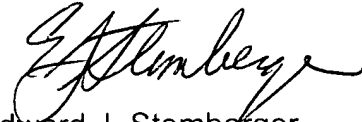
STATEMENT OF COMMON OWNERSHIP

At the time the invention was made, the two applications were owned or subject to an obligation of assignment to Cisco Technology, Inc. In particular, the application that resulted in USP 6,507,817 B1 and the subject application 09/633,899 was owned or under obligation of assignment to Cisco Technology, Inc.

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All objections and rejections having been addressed, It is submitted that all pending claims are now in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Stemberger".

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